

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 6:20-CR-62
	§	JUDGE JDK/KNM
DALTON BREWER (01)	§	

ELEMENTS OF THE OFFENSE

COMES NOW, the United States of America, by and through the United States Attorney for the Eastern District of Texas, and files this pleading summarizing the elements of the offense to which the defendant intends to enter a plea of guilty to Count One of the Indictment.

Title 18, United States Code, Section 1028(f), makes it a crime for anyone to conspire to commit an offense under 18 U.S.C. § 1028.

The defendant is charged with conspiring to unlawfully possess and use a means of identification, a violation of 18 U.S.C. § 1028(a)(7). Title 18, United States Code, Section 1028(a)(7) makes it a crime for anyone to knowingly transfer, possess, or use, without lawful authority, a means of identification of another person with the intent to commit, or to aid and abet, or in connection with, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable state law.

To establish that the defendant is guilty of conspiracy to unlawfully possess and use a means of identification, the government must prove the following beyond a reasonable doubt:

First: That two or more persons, directly or indirectly, reached an agreement to unlawfully possess or use of a means of identification, namely knowingly possessing or using, without lawful authority, a means of identification of another person with the intent to commit, or to aid and abet, or in connection with, any unlawful activity that constitutes a violation of Federal law or a felony under applicable State or local law;

Second: That the defendant knew of the unlawful purpose of the agreement;

Third: That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose;

and

Fourth: That during any 1-year period, the defendants, or any other individuals committing the offense, obtained anything of value aggregating \$1,000 or more.

Respectfully submitted,

NICHOLAS J. GANJEI
ACTING UNITED STATES ATTORNEY

/s/ Nathaniel C. Kummerfeld
NATHANIEL C. KUMMERFELD
Assistant United States Attorney
Texas Bar No. 24060122
110 N. College, Ste. 700
Tyler, TX 75702
(903) 590-1400
(903) 590-1439 (fax)
Nathaniel.Kummerfeld@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Elements of the Offense was served on counsel of record for defendant via the court's CM/ECF on this the 2nd day of March, 2021.

/s/ Nathaniel C. Kummerfeld
Nathaniel C. Kummerfeld